Bosnia and Herzegovina

By Dino Jahić

Capital: Sarajevo Population: 3.8 million GNI/capita, PPP: US\$10,900

Source: World Bank's World Development Indicators.

		Nations	in Trans	sit Rating	gs and Av	veraged S	Scores			
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
National Democratic Governance	5.00	5.00	5.25	5.25	5.50	5.50	5.75	5.75	5.75	6.00
Electoral Process	3.00	3.00	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25
Civil Society	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Independent Media	4.25	4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Local Democratic Governance	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Judicial Framework and Independence	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.50	4.50	4.50
Corruption	4.25	4.50	4.50	4.50	4.50	4.75	4.75	4.75	5.00	5.00
Democracy Score	4.11	4.18	4.25	4.32	4.36	4.39	4.43	4.46	4.50	4.54

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

EXECUTIVE SUMMARY

Political and institutional dysfunction marred the process by which Bosnia and Herzegovina (BiH) applied join the European Union (EU) in 2016. In February, Dragan Čović, chairman of the BiH presidency, submitted the state's application in Brussels, despite the fact that it had failed to fulfill the EU's requirements and was clearly unprepared for any of the upcoming steps. In September, the EU officially accepted the application after the Bosnian authorities reached agreement on several pending requirements at the last minute, including the creation of a mechanism for coordination among institutions on EU matters and the publication of the census results from three years earlier. These steps could hardly be viewed as a success, however, given that they had been delayed for years and were essentially awkward, stopgap solutions that circumvented the democratic process.

The publication of the 2013 census, the first since 1991, was accompanied by many problems concerning the quality of data and validity of results, but it did shed light on the state of Bosnian society after decades of war and corrupt governance. Most significantly, the census confirmed and quantified a well-known reality: The country's 3.53 million people are ethnically divided between its two constituent entities, with nearly all Serbs living in the Republika Srpska (RS), and nearly all Croats and Bosniaks living in the Federation of Bosnia and Herzegovina (FBiH). In another indication of the state's fundamental institutional dysfunction, RS authorities disputed the census methodology and rejected the results.

Given the weak economy, high indebtedness, and problems in every sector of the state, from education and health care to security, Bosnian politicians continued to deflect attention from their poor performance on governance matters in 2016. In order to retain their positions and benefits, they constantly provoke interethnic tensions and then present themselves as saviors of the state's various nations. However, each episode requires more tension and more danger than the previous one to make citizens turn to their leaders for protection. This creates an unbearable atmosphere, filled with nationalism and constant political disputes that block every important process and opportunity for improvement.

Although the president of the RS, Milorad Dodik, gave up on his previous attempts to hold a referendum on state institutions and their jurisdiction in the entity, he continued to test the reactions of the international community and other politicians in BiH. After realizing that there would be no negative consequences, he finally held a referendum at the end of September 2016. The subject was whether January 9 should be celebrated as the "Day of the Republika Srpska," in defiance of a 2015 Constitutional Court ruling that such a celebration would violate the rights of non-Serbs in the RS. The referendum overwhelmingly passed, as expected given Dodik's propaganda machine in the RS.

It was not only Dodik who benefited from the referendum, however. If Bakir Izetbegović, the Bosniak member of the tripartite presidency, had not challenged RS Day at the BiH Constitutional Court, Dodik would not have had a reason to call for a referendum. Both sides then used the vote as a means to attack each other prior to local elections, which were held only seven days after the referendum. Unsurprisingly, Izetbegović's Party of Democratic Action (SDA) and Dodik's Alliance of Independent Social Democrats (SNSD) achieved the best results in the local elections and won the most mayoralties. The referendum and elections were the major pretexts for keeping ethnic tensions high during the year.

Political institutions remained crippled in 2016. The Union for a Better Future (SBB) party was part of the ruling coalition in the FBiH, but its members boycotted the entity's parliament sessions in January and March after the arrest of party president Fahrudin Radončić. Constant disagreements among SBB, SDA, and their coalition partner, the Croatian Democratic Union (HDZ), hampered FBiH institutions several times during the year. Parliamentary democracy is also undermined by the established practice of politicians making key decisions in private meetings. Rather than discussing problems openly in parliamentary debates, the usual practice—which international community representatives have encouraged in order to get results—is for political party leaders to meet in hotels and restaurants for backroom negotiations. Even when politicians reach an agreement, it is not always final. In July, for instance, Izetbegović and Dodik agreed on the coordination mechanism for EU accession, but Dodik changed his mind after presidency chairman Čović opposed the plan.

The signs of deep dysfunction extend to the judiciary. The Prosecutor's Office of BiH wanted to question Dodik because he disobeyed the Constitutional Court's ruling on the RS Day referendum, but he refused to come and meet with prosecutors in Sarajevo. For years, he and other RS representatives have opposed the state courts and prosecutor's office, meaning the adoption of a new law that would regulate the state-level judiciary has been pending for years. The state judiciary also faces constant political pressure. The main BiH prosecutor, Goran Salihović, was suspended in September because of disciplinary proceedings against him. Meanwhile, the indictment and investigation of Radončić, one of the most powerful people in BiH, and his accomplices revealed shocking connections among important officeholders, prosecutors, businessmen, and criminals.

Previous experiences with high-profile trials have shown that officials are rarely convicted of corruption and abuse of office, and if they are, the penalties are weak. This leads to widespread disillusionment and tolerance for corruption. Official anticorruption efforts are not effective, as adoption of important legislation remains stalled and existing mechanisms have been hamstrung. Only a small number of media outlets, mostly investigative journalism projects supported by foreign donors, report on the wrongdoing of politicians in a fair and objective manner.

Score Change:

• National Democratic Governance rating declined from 5.75 to 6.00 due to the worst political dysfunction since the war, as demonstrated by the constant derogation of state institutions and mockery of democratic procedures by political leaders. The referendum in the Republika Srpska in defiance of a Constitutional Court decision set a dangerous precedent for a country whose constitution is the result of a peace agreement.

As a result, Bosnia and Herzegovina's Democracy Score declines from 4.50 to 4.54.

Outlook for 2017: Authorities on all levels will need to work hard to start fulfilling EU candidacy requirements, but considering current practices, there is little reason to expect much in the way of progress. Continuing the trend from previous years, more attacks on state institutions by Milorad Dodik and the SNSD are likely. A political deadlock among parties in the FBiH is

possible, as the disputes between SDA, SBB, and HDZ are intensifying. There are few prospects for improvements in the fight against corruption or the independence and efficiency of the judiciary.

MAIN REPORT

National Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
5.00	5.00	5.25	5.25	5.50	5.50	5.75	5.75	5.75	6.00

- On February 15, 2016, Dragan Čović, chairman of the presidency of Bosnia and Herzegovina (BiH), a tripartite rotating institution, submitted the country's application to join the European Union (EU). However, BiH had not fulfilled any of the required conditions at the time. Moreover, considering the evident lack of political will among the country's leaders, the government remained unprepared for the next steps, such as answering the comprehensive and detailed EU questionnaires that were delivered to BiH in December. Nevertheless, the EU accepted BiH's application in September, after the Bosnian authorities met three important conditions, all of which had gone unaddressed for years thanks to a political deadlock caused by disputes among the political parties and opposition from the Republika Srpska (RS).
- The first requirement for the EU application was revision of the Stabilization and Association Agreement (SAA) signed between the EU and BiH in 2008 and activated in 2015. The SAA needed to be adjusted to take into account Croatia's accession to the EU in 2013, primarily by establishing quotas for imports that are not subjected to customs. RS politicians had blocked the changes, saying the local economy would suffer, but withdrew their objections after Germany and the EU promised to help in case of problems. The adjusted SAA was signed in July.⁵
- The second important condition was establishing a mechanism for coordination among all levels of the government on EU matters. Following a long tradition, the deal was arranged by party leaders outside of formal institutions. Bakir Izetbegović, leader of the Party of Democratic Action (SDA) and Bosniak member of the state presidency, and Milorad Dodik, head of the Alliance of Independent Social Democrats (SNSD) and president of the RS, met in a motel in East Sarajevo in July and agreed on the mechanism and on conditions to receive a new loan from the International Monetary Fund (IMF). Despite the fact that they have regularly held these types of meetings in the past without resolving important issues, the head of the EU delegation in BiH commended the two leaders, calling them "real statesmen." Just a few days later, however, Čović, the BiH presidency chairman and head of the Croatian Democratic Union (HDZ) party, objected to the agreement. Dodik took his side, and new negotiations had to be held—again outside of formal institutions. The coordination mechanism was finally adopted on August 23.
- The third EU condition was publication of the results of the 2013 census. This was the first census since 1991, but proclamation of the results was delayed until June 29, 2016—two days before the final deadline—because politicians could not agree on the method of determining permanent residency status. RS representatives wanted to use information on where people work and go to school to establish real residency. This would have decreased the final population number by at least 196,000 by excluding people who work and study abroad. In the end, the Agency for Statistics published the results despite the RS's objections, while the RS published separate results based on its own methodology.

According to the Agency for Statistics, BiH has a total population of 3.53 million, ¹¹ with 2.21 million people in the Federation of Bosnia and Herzegovina (FBiH), 1.22 million in the RS, and 83,000 in the self-governing Brčko District. Bosniaks make up 50.11 percent of the total population, Serbs and Croats account for 30.78 percent and 15.43 percent, respectively, and 2.73 percent are "Others," the official term for smaller minorities and those who do not identify with the three constitutive nations. The census showed the devastating effect of the war in separating ethnic communities, with 92.11 percent of all Bosnian Serbs now living in RS, and 91.39 percent of Bosnian Croats and 88.23 percent of Bosniaks living in the FBiH. ¹²

- BiH has a negative population growth rate and a high rate of emigration. In April, the Union for Sustainable Return and Integration noted that between 2013 and 2016, about 80,000 people left the country. During the first 10 months of 2016, 3,335 people gave up Bosnian citizenship, mostly young people. Leach year, more than a thousand doctors, nurses, and other health workers leave BiH for Germany.
- The FBiH governing coalition of HDZ, SDA, and the Union for a Better Future (SBB) was unstable throughout the year, and especially after SBB president Fahrudin Radončić was arrested in January for obstruction of justice. However, these problems did not prevent SDA and SBB from partnering in the October local elections. SNSD holds a legislative majority in the RS, but a group of RS opposition parties calling itself the Alliance for Changes is in power at the state level, which creates constant disputes. The ruling parties in both entities try to hinder all institutions that could interfere with their control, including the judiciary.
- Dodik and his SNSD continued to campaign against state institutions in 2016. The RS government spent about €15 million (\$16.7 million) on a building in East Sarajevo to provide accommodation for Serb representatives in state institutions, who "do not feel safe in Sarajevo." In October, the RS National Assembly, celebrating 25 years of its existence, honored a group of former officials that included convicted war criminals Radovan Karadžić, Biljana Plavšić, and Momčilo Krajišnik. In November, Dodik said he would push for 83 competencies to be returned to the RS from the state level. 19
- Dodik's strongest gesture against state institutions was a referendum held on September 25, one week before the local elections, on the question of whether January 9 should continue to be celebrated as the "Day of the Republika Srpska." The referendum was declared to have passed with 99.81 percent support. In 2015, Izetbegović had complained to the BiH Constitutional Court that RS Day had a positive meaning only for Serbs, because it is held on a day significant in the Orthodox Christian religion, and because for many non-Serbs, the founding of the RS in 1992 marked a step toward war. The Constitutional Court ruled that the celebration was discriminatory and should not go ahead, but RS politicians chose to ignore the decision. In the control of the decision.
- The result was a tense atmosphere reminiscent at times of the early 1990s, just before the war. This benefited Dodik's SNSD and Izetbegović's SDA and helped propel them to victory in the local elections following the referendum. The RS National Assembly then adopted a new Law on RS Day, which has only four articles and declares January 9 to be a secular holiday, stripping it of its religious aspect and thus partially complying with the Constitutional Court's ruling.²² In December 2016, the court annulled the results of the referendum,²³ but this decision did not have any practical meaning, as RS authorities continued to ignore the institution's rulings. The lack of a substantive reaction from the

- international community to the referendum during 2016 contributed to a fear of new referendums, such as one on separating the RS from BiH.
- In September, the IMF approved a new three-year loan for BiH, worth €553.3 million (\$614.4 million).²⁴ In return, BiH authorities promised to carry out strict reforms, including an increase in the retirement age, cuts to subsidies, and the sale of state-owned shares in public companies.²⁵ As of June 30, BiH's foreign debt amounted to €8.36 billion (\$9.28 billion).²⁶ Both entities are also borrowing heavily domestically in order to pay pensions and fill budget holes, which may create problems for long-term fiscal stability.

Electoral Process

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
3.00	3.00	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25

- Some parties, especially SDA, sought to postpone the 2016 local elections until politicians could agree on several unresolved questions, namely the implementation of the European Court of Human Rights (ECtHR) decisions in the Sejdić-Finci (2009) and Azra Zornić (2014) cases, ²⁷ and changes to the Law on Elections. ²⁸ With no consensus on these ideas, the elections were held on schedule. ²⁹ Politicians often suggest that local and general elections, which are held every four years but two years apart, should be held at the same time in order to cut costs and reduce campaigning. Shortly after the 2016 local elections, Čović said he would push to have local elections again in 2018, alongside the national elections. ³⁰ He has also proposed an overhaul of the electoral system that would potentially allow each ethnic constituency to vote primarily for candidates from its own ranks.
- As in previous election years, campaigning took much of the year, with the focus on national issues (like the RS Day referendum) rather than local ones. Despite the fact that most party leaders and nationally prominent politicians were not candidates, they played an important role during the campaign and were very active in the media.
- The local elections were held on October 2, with 3,263,906 registered voters.³¹ Voter turnout was 53.88 percent (1.7 million),³² which is slightly less than in 2012 and 2008. Overall, there were 30,455 candidates competing for mayoral positions and council seats. They comprised members of 102 political parties, 103 coalitions, and 246 independent lists or individual candidates.³³
- Nationalist parties benefited the most from continuous ethnic disputes like that over the RS referendum. In the RS, Dodik's SNSD won 33 mayoralties, while its coalition partners—the Socialist Party (SP) and the Democratic People's Alliance (DNS)—and lists they supported won 11 more posts, with a similar scale of success in local councils. This was a huge improvement compared with 2012, when SNSD won only 19 mayoralties. It put SNSD well ahead of the strongest RS opposition parties, which individually and in the coalition Alliance for Changes won mayoralties in 19 municipalities. Mladen Bosić, leader of the strongest RS opposition party, the Serb Democratic Party (SDS), resigned after the elections because of the poor result. Serb Democratic Party (SDS), resigned after the elections because
- In the FBiH, the coalition of SDA and SBB won 33 mayoralties and equally strong support in local councils. This was the best result among the parties in the FBiH, although the coalition lost seats compared with 2012. This was partly due to the fact that among the independent

candidates who won elections in 10 municipalities, five were former SDA members or affiliates. HDZ outperformed all other Croat parties, winning 16 mayoral seats. Left- and center-oriented parties did not gain significant voter support, with the Social Democratic Party (SDP), the strongest among them, taking eight mayoralties. Naša Stranka (Our Party), which eschews nationalism and focuses on tackling local issues, continued to grow slowly, but its influence was still not sufficient to have a major impact.

- Five of the elected mayors were convicted in the past for war crimes, kidnapping, and abuse of office. The best known is Fikret Abdić, the new mayor of Velika Kladuša, who had been sentenced to 15 years in prison for committing war crimes as leader of the Autonomous Province of Western Bosnia. Abdić was released from a Croatian prison in 2012, after serving two-thirds of his sentence.³⁷
- One of the most notable results of the 2016 elections came in Srebrenica, where for the first time since the war, the mayor will not be a Bosniak but a Serb. This is due to changes in the voting law in 2012, which meant that only those having Srebrenica as their current place of residence could vote there, thus excluding refugees and others who have left since 1991. Srebrenica has a great emotional meaning for Bosniaks, as a place where genocide was committed when Serb forces took over the town in July 1995. The joint candidate of all Serb parties, Mladen Grujičić, who denies that an act of genocide took place in Srebrenica, received 4,678 votes and defeated his Bosniak opponent, former mayor Ćamil Duraković, by about 750 votes. Buraković and the Bosniak parties filed complaints about the fact that the RS police entered the municipal building and took control over voting materials from the electoral committee for one day. They also complained that people with irregular documents were allowed to vote, while more than 2,000 votes delivered by mail, most of which were likely Bosniak votes, were not counted because the Central Election Commission (CIK) said they did not arrive in time. Both the CIK and the Court of BiH rejected appeals, but Duraković said he would petition the Constitutional Court.
- The election-monitoring coalition Pod Lupom (Under the Magnifying Glass) said the elections were mostly orderly, except in Stolac, where a fight broke out between Bosniak candidates and Croat members of the electoral committee, and voting was disrupted in 17 of 19 voting places. The CIK did not make a final decision on repeating elections by the end of the year, but it did sanction the local electoral committee and politicians who participated in the incident, removing the latter from candidate lists.⁴¹
- Pod Lupom observers reported 173 violations of the Law on Elections and 120 objections to the work of electoral committees, such as problems with packaging voting materials and violations of vote-counting procedures. Violations of the period of preelection silence were also registered, while several people in Bijeljina were arrested when one of them was found with the identity documents of 17 other people, which could be used for fraudulent voting. A few days after the elections, two SNSD members were arrested under suspicion of committing electoral fraud.

Civil Society

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50

- BiH does not yet have a common registry of all nongovernmental organizations (NGOs). There are thousands of such organizations, but it is unclear how many are active. The term "civil society organization" or "nongovernmental organization" covers everything from watchdog and humanitarian groups to sports clubs, labor unions, and associations representing religious or ethnic groups. Those that depend on financing from local governments are often influenced by politics, and many exist for purposes known only to themselves, with undisclosed funding structures. Internationally funded organizations do important work in terms of advocacy, human rights, and uncovering corruption, but overall they do not have a significant impact on governmental institutions. In the recent past, citizens and some NGOs played a key role in organizing protests on various issues, but there were no major protests in 2016.
- Ethnic tensions were high during the year, continuing an unfortunate trend from previous years, and there were many provocations. In July, a group called Anti-Dayton set up an art installation depicting a mass grave in the shape of the RS in the center of Sarajevo. 46 Some incidents were much more dangerous: In January, two Molotov cocktails were thrown at a mosque in Pale, a Serb-dominated part of Bosnia. 47 These provocations are a constant threat to the stability of the country, and boost support for nationalists on all sides.
- Another important security issue is the existence of some Muslim groups that propagate radical interpretations of Islam. At the beginning of the year, the official Islamic Community of Bosnia and Herzegovina invited all Muslim congregations (jama'ats) that interpret Islam differently to integrate into the community or be disbanded. By October, 14 had accepted, but 22 jama'ats had not.⁴⁸
- In April, the government announced that 124 Bosnian citizens were fighting in foreign countries: four in Ukraine and the others in Syria, Iraq, or Iran. Another 50 people had been killed in wars abroad, while 49 had returned to the country. While this number is significant, even studies that have found higher numbers of foreign fighters from Bosnia note that the figure is lower per capita of the Muslim population than in some Western European countries. In October, seven people who fought for the Islamic State (IS) militant group in Syria received sentences ranging from one to three years in prison.
- Education is as politicized as the rest of public life in Bosnia. In the FBiH, some schools maintain a "two schools under one roof" system, in which Croat and Bosniak children have different curriculums. In 2016, RS authorities changed the name of the Bosnian language to "Bosniak" in official school documents. Many Bosniaks interpreted this as a bid to undermine Bosnia's statehood; some outraged parents decided to boycott schools, while others planned to sue the RS.⁵²
- Transparency International and the Association of BH Journalists asked the RS Constitutional Court to review the RS's 2015 amendments to the Law on Public Peace and Order, but the court rejected the request. The international community and NGOs had criticized the legislation for expanding the definition of "public space" to the internet, potentially jeopardizing freedom of assembly and enabling the criminalization of social media activity.⁵³
- The rights of minorities are not fully respected. Members of the LGBT (lesbian, gay, bisexual, and transgender) community are often discriminated against or even attacked. In March, guests of the Kriterion cinema in Sarajevo were physically attacked, with witnesses reporting that the assailants used homophobic language. At the same location in 2014, a group of masked men had attacked participants in an LGBT film festival. Two people were

injured in that attack, but the perpetrators were never found. A small but important improvement in terms of protection from discrimination based on gender identity and sexual orientation came in July, when the state Antidiscrimination Law was amended to more clearly define the two categories; intersex people will also be protected under the amended law.⁵⁵ In April the FBiH parliament added hate crime provisions to its criminal code, penalizing crimes committed on the basis of a variety of categories, including sexual orientation and gender identity. The RS and Brčko had already adopted similar measures.⁵⁶

Independent Media

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.25	4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.75	4.75

- Bosnia's media market is oversaturated. At the end of 2016, there were 9 daily newspapers, 8 news agencies, more than 100 print periodicals, 46 television stations, and 148 radio stations. Almost a third of television stations (15) and about two-fifths of radio stations (65) are public and depend on financing from various state budgets. Many private outlets also receive money from the authorities through public competitions for different media activities or through state advertising, which makes them susceptible to political pressure.
- Research by the Center for Media Development and Analysis (CRMA) showed that government institutions spend about €15 million (\$16.7 million) annually on media financing, three-quarters of which goes to public media. Most of the money is spent on direct financing, in slightly different proportions in the two entities, while the rest goes to publishing advertisements and promotional activities.⁵⁸ Another analysis of public media found that none of the 74 local public radio and television stations publish budgets, financial reports, or any similar documents on their websites, despite being mostly financed with public money.⁵⁹
- State radio and television outlet BHRT has faced considerable financial problems for years, primarily because of a decrease in television subscription tax collection and the unpaid debts of the entity-level broadcasters, which are themselves struggling financially. In July, the BiH House of Representatives voted against amendments to the Law on the Public Broadcasting System that would have added the subscription tax to electricity bills—rather than landline telephone bills, which are declining—and allocated 40 percent of tax and advertisement revenues to BHRT and 30 percent each to the entity broadcasters. After the failure of the amendments, the BHRT Steering Committee said the public broadcasters' fate is extremely uncertain. Budget financing is not the only problem: BHRT has added €9.5 million (\$10.6 million) in debt in the past eight years; half of its budget in 2015 went to supporting 875 employees, and less than 10 percent to programming. One survey found that it ranked seventh in ratings out of nine television stations assessed.
- The full transition from analog to digital broadcasting was supposed to be completed by June 2015, but a series of bureaucratic deadlocks and a lack of political will have prolonged the process. In October 2016, BHRT and the two entity broadcasters started the testing phase of digital broadcasting.⁶³
- Elections and the RS referendum were the two dominant news topics during the year, so Bosnian political leaders like Milorad Dodik, Bakir Izetbegović, and Dragan Čović, ⁶⁴ and

Serbian prime minister Aleksandar Vučić, were often featured on newspapers' front pages as they focused on politicians' preferred subjects. During the electoral campaign, media coverage was frequently biased and not in accordance with professional standards. As in previous years, there were cases in which children were used in news programs to promote specific politicians. 66

- Threats and attacks on journalists continued throughout the year. In March, an N1 TV crew was attacked during a commemoration to mark the 70th anniversary of the arrest of Draža Mihailović, leader of the right-wing Serb "Chetnik" partisan movement during World War II.⁶⁷ In July, the secretary general of the Association of BH Journalists said that in the previous two months, there had been 10 serious media freedom violations, including one in which a journalist was beaten.⁶⁸ In August, an explosive device was thrown in front of the house of Ljubuski net website editor Tihomir Bradvica.⁶⁹
- Research by CRMA showed that the Law on Free Access to Information is not being fully enforced. Of 785 freedom of information requests to different levels of government, only 432 (55 percent) were answered. In some cases, media outlets and NGOs must sue institutions to obtain information. Transparency International won a third lawsuit against the Banking Agency of the RS over its decisions to close two banks in recent years. The same cases are considered as a superscript of the RS over its decisions to close two banks in recent years.

Local Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75

- The rights of cities and municipalities are protected by entity constitutions and the laws on local self-governance. There remain unresolved problems in the laws related to jurisdiction and competencies, however. In the FBiH, harmonization of cantons' legislation with the entity law on local self-governance has been slow, while Sarajevo Canton has been without such a law since 2006. One consequence of this is unclear jurisdiction over certain areas, like public utilities, among the canton, the city of Sarajevo, and municipalities.
- For years, politicians have occasionally discussed the idea of an administrative restructuring of the FBiH, and 2016 was no exception. The federation currently has 10 cantons, each with its own government and parliament, which creates a heavy burden on budgets and has prompted proposals to reduce the number of cantons. Unfortunately, a feasible solution has not yet been introduced, and the topic is mainly instrumentalized for day-to-day politics. 72
- In October, the RS National Assembly adopted a new Law on Local Self-Governance in the entity. The law gives slightly broader competencies to local authorities, but also enables the assembly to dismiss any local parliament that is not constituted within three months after local elections, does not adopt a budget on schedule, or does not hold a session for three months. This level of control potentially violates the independence of cities and municipalities. The law stipulates that if the local parliament is not constituted, a new temporary body consisting of three members, two of them from the entity ministries, would substitute for the parliament.⁷³
- Municipalities and cities in both entities are financially dependent on the cantons and entities
 for their funding, which makes them subject to political pressure. The Association of
 Municipalities and Cities of the FBiH has sued the entity over the country's 2010 IMF loan.⁷⁴

The local governments say they received no money from the loan, but more than €20 million (\$22 million) was taken from them to repay it. Another problem is that cities and municipalities receive only 8.4 percent of taxes, while 51.48 percent is allocated from the FBiH to the cantons. There is a dispute among cantons as well, since other cantons complain that Sarajevo Canton receives much more than they do.

• As has been the case since 2008, local elections were not held in Mostar in 2016 because Bosniak and Croat politicians, particularly members of the ruling SDA and HDZ parties, are not able to resolve a voting-rights dispute. The Constitutional Court ruled in 2010 that the Mostar electoral system was discriminatory, but the city statute and electoral law have yet to be amended.

Judicial Framework and Independence

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.50	4.50	4.50

- The Bosnian judiciary has four separate administrative divisions: BiH, FBiH, RS, and Brčko District. Each of the 10 cantons also has its own court system. Besides the frequent conflicts over jurisdiction and case backlogs, the most important challenge for the Bosnian judiciary is political pressure, which grows stronger every year and comes from the highest officials.⁷⁸
- RS authorities continuously oppose state judicial institutions, although they have not held a proposed referendum on the work of the BiH state court and prosecutor's office as they threatened to do in 2015, after Dodik claimed that the state judiciary is biased against the RS. That episode echoed similar threats Dodik made in 2011, when the process was only stopped because of EU engagement and the initiation of a so-called Structured Dialogue on Justice that was supposed to make the judiciary more independent and effective. Little has been achieved, and the dialogue is at a standstill, as its participants are not able to agree on the jurisdiction of the state court and prosecutor's office.
- In September, the Disciplinary Commission of the High Judicial and Prosecutorial Council (HJPC) suspended the head of the Prosecutor's Office of BiH, Goran Salihović, for a host of disciplinary violations, including failure to request recusal from cases with a potential conflict of interest, improper contacts with judges or other parties involved in proceedings, and letting unauthorized persons perform prosecutorial functions. Salihović said the process against him was fabricated because he started an investigation into Dodik for organizing the RS Day referendum. However, BiH security minister Dragan Mektić, an SDS member and opponent of the SNSD, accused Salihović of hampering investigations into high officials, including Dodik.
- Another case that showed political pressure on the judiciary was the investigation into Radončić, the SBB president. In January, the secretary of the BiH Security Ministry, Bakir Dautbašić of SBB, was arrested for allegedly intimidating and offering a bribe to Azra Sarić, a witness in the trial of Naser Kelmendi, held in Kosovo. Kelmendi was indicted for arranging the murder of Sarajevo crime boss Ramiz Delalić and running a drug-trafficking group. The same indictment named Radončić as a member of an organization involved in plotting the assassination of Delalić, an accusation which he denied.⁸² Two weeks after Dautbašić's arrest, Radončić was arrested as well, for obstruction of justice.⁸³ On February 2,

Radončić, Dautbašić, a third SBB member, and Zijad Hadžijahić, an employee of the U.S. embassy in Sarajevo, were indicted for organizing a group that obstructed justice.⁸⁴ The prosecution alleges that Radončić's party nominated Hadžijahić's wife as Bosnian ambassador to Slovenia in exchange for information to be used to influence the witness, Azra Sarić. Radončić and SBB denied all the accusations and said they were politically motivated.⁸⁵

- Other problems in the functioning of the security services and judiciary in BiH became evident through a highly publicized incident in October. Sanjin Sefić, a suspect in the deaths of two girls killed in a hit-and-run accident in the center of Sarajevo, managed to escape to neighboring Serbia the next morning, where he was arrested after two days. ⁸⁶ Police claimed they had recorded 18 criminal charges and 47 misdemeanors against him in the past, ⁸⁷ but that the Sarajevo Canton prosecutors had not followed through on prosecution for these crimes, with one exception. The canton prosecutors disputed the police's attempt to shift the blame. ⁸⁸
- Cases in which Bosnian institutions allow suspects to escape justice are not rare. In April, lawyer Faruk Balijagić fled to Croatia to avoid charges of incitement to commit criminal offenses, including murder. The Sarajevo Cantonal Court had released him from custody, despite knowing that he had Croatian citizenship in addition to Bosnian, which would prevent his extradition if he fled. About a month before that incident, Ramo Brkić, a former police commissioner of Una-Sana Canton who had been sentenced to 11 years in prison for corruption, abuse of office, and production of narcotics, also fled the country, as his associate had done in 2015. Bosnian in the fled. Bosnian in the fled in the country is a sentenced to 11 years in prison for corruption.
- A former judge of the Sarajevo Cantonal Court, Lejla Fazlagić-Pašić, ⁹¹ left for Croatia after coming under suspicion in connection with a criminal group allegedly trading the real estate of dead people through the falsification of property records and court judgments. ⁹² The group included former Bosnian police minister Alija Delimustafić, who fled to Croatia after the court decided there was no threat of escape, despite his rich criminal past. ⁹³ Delimustafić later agreed to be extradited to BiH. Cantonal prosecutor Džemal Karić was arrested in December for allegedly giving members of the group legal advice and disclosing information on their cases. ⁹⁴
- In July, the HJPC announced plans to increase the efficiency of courts in the next three years by decreasing the average time to resolve a case from 301 to 270 days. At this point, there is a backlog of about 370,000 unresolved cases, plus an additional 1.7 million cases regarding unpaid utility bills. The HJPC intends to decrease the number of cases by about 15,000, and the number of unpaid utility bills by 100,000, by 2019. 95

Corruption

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4.25	4.50	4.50	4.50	4.50	4.75	4.75	4.75	5.00	5.00

 Bosnia's current legal and institutional framework on conflict of interest has not produced any results since 2013, when jurisdiction on the issue was transferred from the CIK to a commission consisting of six representatives of the state parliament and three representatives of the Agency for the Prevention of Corruption and Coordination of the Fight against

- Corruption (APIK). In 2015, the FBiH parliament amended the FBiH Law on Conflict of Interest and put the same commission in charge of its implementation, amplifying the problem.
- In 2016, the commission was unable to function at all until May, because it had been removed from the list of administrative units within the Parliamentary Assembly, meaning it could not receive mail or even have an official stamp. In May, the state parliament adopted an amendment to the Law on Conflict of Interest stipulating that the commission would use APIK's stamp. Transparency International (TI) warned that verifying the documents of one institution with the stamp of another cannot be a long-term solution, as it is an "extremely unusual and unseen practice." TI proposed other amendments to the law, such as expanding the scope of those to whom the regulations apply and full transfer of jurisdiction over conflict of interest to APIK, but no amendments were accepted.
- APIK itself is in charge of implementing the Strategy for the Fight against Corruption 2015–19, but progress has been very slow. During the first year of the strategy, less than a quarter of the planned measures were implemented. APIK's functioning has been undermined from the time it was founded in 2009. It does not have investigative authority to tackle corruption, and its role is largely confined to pushing officials at all levels to adopt their own strategies and form anticorruption bodies. 101
- Adoption of new anticorruption legislation is slow, and implementation even slower. Only the state level has a whistle-blower protection law. In April 2016, a parliamentary working group omitted from its proposal the most important amendments to the Law on Political Parties Financing, and several recommendations by the Council of Europe's Group of States against Corruption (GRECO) were not addressed at all. An FBiH Law on Fighting Corruption and Organized Crime was adopted in 2014. Its implementation was supposed to start in January 2015 but has been postponed repeatedly, most recently in February 2016, when the deadline was extended to July 2017. In the RS, the government often proposes changes to laws through urgent procedures, especially with important and systematic laws, so public debate is not possible. This was the case in June, when amendments to the Law on Civil Servants halved the amount and duration of fines for civil servants who commit disciplinary violations.
- Public tolerance for corruption is high, as it has become part of everyday life. Citizens usually identify corruption with political parties, the police, and the health system, and mostly report cases involving employment procedures, according to TI's research. The same research showed that a quarter of interviewed citizens had been asked for a bribe over the last year.
- The biggest obstacle to fighting corruption is the fact that citizens are disillusioned with the system. Convictions of officials are rare, and they are usually cleared of all charges. In February, former foreign minister Sven Alkalaj was acquitted of misconduct in office in a case involving a payment to a deputy in contravention of the law. The next day, Defense Minister Marina Pendeš was acquitted of negligent performance of duties and falsification of official documents in a case involving payments to a deputy who did not report to work. April, a former state tax inspector who was convicted for taking bribes obtained a new position as the FBiH tax inspector. His appointment was later rejected, but only after it was covered in the media. Journalists do uncover corruption, but prosecutors and the courts rarely follow up on their revelations.

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